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Filing date: **06/14/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210046
Party	Plaintiff Leblon Holdings LLC
Correspondence Address	LORA A MOFFATT SALANS LLP ROCKEFELLER CENTER, 620 FIFTH AVENUE NEW YORK, NY 10020 UNITED STATES lmoffatt@salans.com,thicks@salans.com,Trademarks@salans.com
Submission	Answer to Counterclaim
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Date	06/14/2013
Attachments	LEBLVDREPLYCOUNTER.pdf(359360 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No. 85776139

For the mark LEBLVD

Published in the Official Gazette on February 26, 2013

LEBLON HOLDINGS LLC,

:

Opposer,

:

v.

:

Opposition No. 91210046

LIQUID EVOLUTIONS LLC,

:

Applicant.

:

REPLY TO COUNTERCLAIMS

LEBLON HOLDINGS LLC, a Delaware limited liability company with a place of business located at 41 West 25th Street, Fifth Floor, New York, New York 10010 (“Opposer”), by its undersigned counsel, hereby answers Liquid Evolutions LLC’s (“Applicant”) counterclaims for cancellation as follows:

1. Admitted.

2. Opposer admits that there is a neighborhood located in Rio de Janeiro called Leblon, but otherwise lacks information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 2 and, therefore denies the same.

3. Denied.

4. Admitted.

5. Denied.

6. Denied.

7. Denied.

8. Admitted.
9. Denied.
10. Denied.
11. Denied.
12. Denied.
13. Admitted.
14. Denied.
15. Denied.
16. Admitted.
17. Denied.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Applicant's counterclaims with respect to Opposer's Federal Registration No. 3,119,488 fail to state a claim upon which relief can be granted because the mark has become incontestable under 15 U.S.C. § 1065.

Second Affirmative Defense

Applicant's counterclaims as to the LEBLON Marks are barred by laches, because Applicant has been aware of Opposer's LEBLON Marks since as early as 2006 and 2010, respectively.

Third Affirmative Defense

Applicant's counterclaims as to the LEBLON Marks are barred by the equitable doctrine of unclean hands because Applicant filed its mark, upon information and belief, with the intention of trading on the goodwill of Opposer's LEBLON Marks.

Opposer reserves the right to amend this answer to Applicant's counterclaims to assert any additional affirmative defenses that may become apparent and available.

WHEREFORE, Opposer respectfully requests that Applicant's counterclaims for cancellation be dismissed with prejudice.

Dated: New York, New York
June 14, 2013

SALANS FMC SNR DENTON Europe LLP

By: /lora a Moffatt/

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LEBLON HOLDINGS LLC

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CERTIFICATE OF SERVICE BY FIRST-CLASS MAIL

I hereby certify that a true and correct copy of the foregoing REPLY TO COUNTERCLAIMS in the above matter, is being deposited with the United States Postal Service as First-Class mail, postage paid, in an envelope addressed to Brad M. Behar, Brad M. Behar & Associates PLLC, 94 2nd St., Mineola NY 11501-3008, on this 14th day of June 2013.


Margaret Ajitsingh